

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD PAUL NEUMEYER,

Defendant.

CR-10-0056-WFN

Preliminary Order of Forfeiture

IT IS HEREBY ORDERED THAT:

1. As a result of the guilty plea to Count 1 of the Indictment, charging bulk cash smuggling, for which the Government sought forfeiture pursuant to 31 U.S.C. § 5332(b)(2), the Defendant, RICHARD PAUL NEUMEYER, shall forfeit to the United States, any property, real or personal, involved in the offense and any property traceable to such property.

2. The Court has determined, based on the Defendant's plea agreement, that the Government has established the requisite nexus between the property and the offense committed by the Defendant, and therefore the following property is subject to forfeiture:

- 1) \$509,980.00 U.S. currency seized on or about May 21, 2010, by Immigration and Customs Enforcement; and,
- 2) \$10,000.00 Canadian currency, with a conversion value upon deposit of \$9,265.00, seized on or about May 21, 2010, by Immigration and Customs Enforcement.

3. Upon the entry of this Order, the United States is authorized to seize the currency described herein, whether held by the Defendant or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

1 4. Upon entry of this Order, the United States is authorized to commence any
2 applicable proceeding to comply with statutes governing third party rights,
3 including giving notice of this Order.

4 5. The United States shall publish notice of the order and its intent to dispose
5 of the property in such a manner as the United States Attorney General may direct.
6 The United States may also, to the extent practicable, provide written notice to any
7 person known to have an alleged interest in the property listed above.

8 6. Any person, other than the above-named Defendant, asserting a legal
9 interest in the above-listed property may, within sixty days of the first date of
10 internet posting of notice, or by the date indicated on direct notice, if sent,
11 whichever is earlier, petition the court for a hearing without a jury to adjudicate
12 the validity of his alleged interest in the above-listed forfeited assets and for an
13 amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n), as
14 incorporated by 31 U.S.C. § 5332(b)(3).

15 7. Any petition filed by a third party asserting an interest in the above-listed
16 forfeited assets shall be signed by the petitioner under penalty of perjury and shall
17 set forth the nature and extent of the petitioner's right, title, or interest in said
18 property, the time and circumstances of the petitioner's acquisition of the right,
19 title or interest in said assets, and any additional facts supporting the petitioner's
20 claim and the relief sought.

21 8. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A), this Preliminary Order of
22 Forfeiture is final as to the Defendant at the time of sentencing, and is made part
23 of the sentence and included in the judgment.

24 9. After the disposition of any motion filed under Fed. R. Crim. P.
25 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in
26 accordance with the Federal Rules of Civil Procedure upon a showing that such
27 discovery is necessary or desirable to resolve factual issues.
28

10. The United States shall have clear title to the above-listed assets following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), as incorporated by 31 U.S.C. § 5332(b)(2), for the filing of third party petitions.

11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 13th day of October, 2010.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

10-1310

Presented by:

James A. McDevitt
United States Attorney

s/Stephanie J. Lister

Stephanie J. Lister
Assistant United States Attorney